

EXHIBIT A

The New York Times

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RE: FREEDOM OF INFORMATION ACT REQUEST

U.S. Africa Command (USAFRICOM)
Freedom of Information Act Requester Service Center
Submitted to: africom.stuttgart.accc.mbx.foia@mail.mil

September 16, 2022

Dear USAFRICOM FOIA Coordinator,

This is an urgent request under the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), with a request for **expedited processing**. This request seeks specific USAFRICOM records regarding the assessment of **37** allegations of civilian harm from U.S. operations, as identified in detail below.

Please note that I have taken considerable effort and time to ensure that my request is neither overly broad nor would it require unreasonably burdensome searches for records. In order to facilitate the location of responsive records, I have included USAFRICOM’s own public quarterly releases identifying the assessments and confirming the existence of requested records. I have also prioritized specific records to assist you in your search.

Please find my full request below.

I. REQUESTED RECORDS

Pursuant to the FOIA, I hereby request copies of all Credibility Assessment, Closure Report, Commander-Directed Investigation, AR-15-6 and other assessment records regarding the **37 civilian casualty reports (5 of which were deemed “substantiated” and 32 of which were deemed “unsubstantiated”)** as identified in the “U.S. Africa Command Civilian Casualty Assessment Quarterly Reports” cited below.

This request seeks all enclosures, exhibits and attachments within these records, including but not limited to the following: collateral damage estimates (CDE), legal reviews, mIRC logs or other chat and internet relaying message logs, lessons learned records, after action review records, solatia assessments, emails, photos, post-strike imagery, screenshots, still image captures, and other images.

In order to assist you in locating responsive records, I am providing information below from USAFRICOM’s own “Civilian Casualty Assessment Quarterly Reports” to help identify the specific incidents for which I am requesting records as well as demonstrating that such assessment records exist.

In order to help facilitate processing, I would welcome a rolling process, if you are able to retrieve and review “substantiated” records first, prioritizing #1, #3, #23, #29, and #36 from the list below:

	Excerpt from USAFRICOM Quarterly Report Citing Assessment	USAFRICOM Quarterly Report	URL for USAFRICOM Quarterly Report	Closed As
#1	"The first substantiated instance of civilian casualties by the command occurred on April 1, 2018, when two civilians were regrettably and unintentionally killed during a U.S. airstrike in the vicinity of El Buur, Somalia"	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"substantiated"
#2	"February 3, 2019, AFRICOM received one allegation from an online media source claiming an unspecified number of civilians were killed from an airstrike in the vicinity of Janay Abdalle, Somalia, on February 1, 2019. The allegation does not state who conducted the airstrike. After review, the allegation was assessed to be unsubstantiated because no U.S military strike took place at the alleged location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#3	"February 24, 2019, the command received allegations from online media sources claiming two (2) civilians were killed and two (2) civilians injured as a result of a U.S. airstrike in the vicinity of Kunyo Barrow, Somalia, on February 23, 2019. The initial allegation claimed dozens were alleged to have been killed but only provided specific information regarding four alleged civilian casualties. AFRICOM received a follow-on allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, several of the allegations were assessed to be substantiated. Regrettably, two (2) civilians were likely and unintentionally killed and three (3) injured as a result of the airstrike."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"substantiated"
#4	"March 18, 2019, AFRICOM received two allegations from an online media source claiming between three to four (3-4) civilians were killed as a result of a U.S. airstrike in the vicinity of Afgooye, Somalia, on March 18, 2019. AFRICOM received three duplicate allegations of this incident on April 29, 2019, May 7, 2019, and August 29, 2019, from online media sources, and one duplicate allegation again on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated. U.S. intelligence confirmed the identity of the individuals as al-Shabaab militants involved in logistics operations. The vehicle and occupants were observed in support of known al-Shabaab locations, and strike video indicates that the effects of the strike were limited to the vehicle. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#5	"April 4, 2019, AFRICOM received one allegation from an online media source claiming one (1) civilian was killed and six (6) civilians injured as a result of a U.S. military operation and airstrike in the vicinity of Ugunji, Somalia on April 3, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"

	After review, the allegations were assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or location."	Quarterly Report; 2nd quarter, 2020		
#6	"May 10, 2019, AFRICOM received one allegation from an online media source claiming three (3) civilians were injured as a result of a U.S. airstrike in the vicinity of Farsooley, Somalia, on May 9, 2019. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#7	"June 8, 2019, AFRICOM received one allegation from an online media source claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Tortorow, Somalia, on June 5, 2019. After review, the allegation was assessed to be unsubstantiated. U.S. intelligence identified and located a high-level, al-Shabaab financier. U.S. assets executed a strike on the individual in an isolated area separate from the civilian populace. This is contrary to the allegation which stated the strike occurred at the man's home. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#8	"June 26, 2019, AFRICOM received two allegations from two social media accounts claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Kunyo Barrow, Somalia, on June 25, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, the allegation was assessed to be unsubstantiated. Contrary to allegations that the individual killed was a civilian, U.S. intelligence confirmed the identity of the individual as an al-Shabaab facilitator. The vehicle and occupant were observed in support of known al-Shabaab locations and personnel. Strike video indicates that the effects of the airstrike were limited to the vehicle as the strike occurred in an isolated area. It is assessed with a high degree of confidence that civilian casualties did not occur as a result of U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#9	"July 11, 2019, AFRICOM received two allegations from two social media accounts claiming five (5) civilians were killed as a result of U.S. airstrikes in the vicinity of Jilib and Basra, Somalia. After review, the allegations were assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or locations."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#10	"September 23, 2019, AFRICOM received one allegation from an online media source claiming an unspecified number of civilians were killed as a result of a U.S. airstrike in the vicinity of Murzuq, Libya, on September 19, 201. After review, the allegation was assessed to be unsubstantiated. On September 19, 2019 a kinetic strike was executed against a compound which U.S. intelligence confirmed was a terrorist facilitation and meeting location consisting of ISIS-Libya terrorist	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"

	leadership and militants. Significant and multiple sources of intelligence was compiled to clearly identify the nature of the target. It is assessed that civilian casualties did not occur as a result of U.S. military action."	quarter, 2020		
#11	"September 23, 2019, AFRICOM received a report from a foreign non-government organization claiming thirteen (13) civilians were killed as a result of a U.S. airstrike in the vicinity of Janaale, Somalia, on February 11, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated because no U.S. military strike took place at the alleged time and location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#12	"September 23, 2019, AFRICOM received a report from a foreign non-government organization claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Qoryooley, Somalia, on February 23, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated because no U.S. military strike took place at the alleged time and location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#13	"October 3, 2019, AFRICOM received one allegation from an online media source claiming two (2) civilians were killed and one (1) injured as a result of an airstrike in the vicinity of Lower Jubba, Somalia. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or at the location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#14	"October 25, 2019, AFRICOM received one allegation from an online media source claiming three (3) civilians were killed as a result of a U.S. airstrike in the vicinity of the Golis Mountains, Somalia, on October 25, 2019. AFRICOM received two duplicate allegations of this incident from an online media source on October 27, 2019, and again on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated. On October 25, 2019 a kinetic strike was executed against three individuals which U.S. intelligence confirmed were ISIS-Somalia leadership and media operatives. Significant intelligence was compiled to clearly identify the nature and location of the individuals targeted. Strike images confirmed that the effects were limited to the three individuals. It is assessed with a high degree of confidence that civilian casualties did not occur due to U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#15	"November 19, 2019, AFRICOM received one allegation from an online media source claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Kunyo Barrow, Somalia, on November 19, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated. On November 19, 2019 a kinetic strike was executed against one individual	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"

	which U.S. intelligence confirmed was both an al-Shabaab leader and weapons supplier. Strike images confirmed that the effects were limited to the one individual. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	quarter, 2020		
#16	"December 30, 2019, AFRICOM received one allegation from an online media source claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Kunyo Barrow, Somalia, on December 29, 2019. AFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign non-government organization. After review, the allegations were assessed to be unsubstantiated. On December 29, 2019 two airstrikes were executed against two individuals (one individual per strike) which U.S. intelligence confirmed were affiliated with al-Shabaab. Intelligence identified the individuals' affiliation with the organization which was further corroborated during post-strike assessment. Strike video confirmed that the effects were limited to the two individuals. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#17	"December 30, 2019, AFRICOM received an allegation from an online media source claiming two (2) civilians were killed as a result of a U.S. military operation in the vicinity of Shanta Baraako, Somalia, on July 12, 2019. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#18	"January 21, 2020, AFRICOM received a report from a foreign non-government organization claiming up to five (5) civilians were killed as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on January 20, 2019. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#19	"January 21, 2020, AFRICOM received a report from a foreign non-government organization claiming two (2) civilians were killed and four (4) injured as a result of a U.S. airstrike in the vicinity of Gambole, Somalia, on March 8, 2019. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date and location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#20	"January 21, 2020, AFRICOM received a report from a foreign non-government organization claiming two (2) civilians were killed and five (5) injured as a result of a U.S. airstrike in the vicinity of Iskashubun, Somalia, on July 3, 2019. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or location."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"

		quarter, 2020		
#21	"January 28, 2020, AFRICOM received three allegations from an online media source and social media accounts claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on January 27, 2020. After review, the allegations were assessed to be unsubstantiated. On January 27, 2020 an airstrike was executed targeting an al-Shabaab operative associated with the al-Shabaab command and control network. U.S. intelligence sources confirmed the role of the targeted individual. Strike video confirmed that the targeted individual was the only casualty of the strike. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 1: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2020	"unsubstantiated"
#22	"September 23, 2019 (Unsubstantiated) USAFRICOM received an allegation from a foreign Non-Government Organization claiming seven (7) civilians were killed and one (1) injured as a result of a U.S. airstrike in the vicinity of Awdheegle and Dara Salaam, Somalia, on March 11, 2019. USAFRICOM received a duplicate allegation of this incident on January 21, 2020, from a foreign Non-Government Organization. After review, the allegations were assessed unsubstantiated. On March 11, 2019 an airstrike was executed on eight al-Shabaab members in two known al-Shabaab compounds who were attacking partner forces. Pre-strike observation of the attack, partner force reporting, and U.S. intelligence confirmed the presence of al-Shabaab and that the eight individuals targeted were al-Shabaab members. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020	"unsubstantiated"
#23	"February 3, 2020 (Substantiated) Between Feb. 3 and June 17, 2020 USAFRICOM received eight total allegations as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on February 2, 2020. After a thorough assessment into the facts and circumstances following the Feb. 2, 2020 airstrike, USAFRICOM substantiates the death of one (1) civilian and three (3) injured, who were not visible when we delivered the strike against the targeted individual."	EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020	"substantiated"
#24	"February 25, 2020 (Unsubstantiated) USAFRICOM received five allegations from online media sources and social media accounts claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on February 24, 2020. After review, the allegations were assessed to be unsubstantiated. On February 24, 2020 an airstrike was executed against an individual which U.S. intelligence, compiled over the course of several years, confirmed was an al-Shabaab commander. The strike was conducted in a remote area where effects were confirmed to be limited to the individual. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."	EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020	"unsubstantiated"

#25	<p>"March 28, 2020, (Unsubstantiated) USAFRICOM received one allegation from an online media source claiming two (2) civilians were killed as a result of a U.S. airstrike in the vicinity of Buulo Fulaay, Somalia, on March 27, 2020. After review, the allegation was assessed to be unsubstantiated. On March 27, 2020 an airstrike was executed on two individuals which U.S. intelligence confirmed were al-Shabaab members. The airstrike was executed after the two fighters departed a known al-Shabaab compound on a motorbike. The strike was conducted in a remote area where the effects were confirmed to be limited to the individuals. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."</p>	<p>EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020</p>	<p>https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020</p>	"unsubstantiated"
#26	<p>"April 6, 2020, (Unsubstantiated) USAFRICOM received four allegations from online media sources and social media accounts claiming three (3) civilians were killed and one (1) civilian injured as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on April 6, 2020. After review, the allegations were assessed to be unsubstantiated. Contrary to the allegations stating the airstrike targeted civilians, including a child and an elderly woman, an airstrike was executed on April 6, 2020 against five adult males which U.S. intelligence confirmed were al-Shabaab members. No civilians were observed in the area before or after the strike. Strike images confirmed that the effects were limited to the five al-Shabaab members. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action. Additionally, the sources of the allegations are known al-Shabaab media and propaganda outlets, or are sympathetic to al-Shabaab. The sources used photos that were published in 2019."</p>	<p>EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020</p>	<p>https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020</p>	"unsubstantiated"
#27	<p>"April 11, 2020 (Unsubstantiated) USAFRICOM received two allegations from an online media source and social media account claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Jamaame, Somalia, on April 10, 2020. After review, the allegations were assessed to be unsubstantiated. On April 10, 2020 an airstrike was executed on an al-Shabaab member complicit in the murder of at least six Somali National Army (SNA) soldiers. Immediately prior to the strike, the al-Shabaab member displayed the murdered bodies of SNA soldiers, posing with al-Shabaab flags prominently displayed in the background. This was in an area where al-Shabaab had previously conducted executions and displayed deceased SNA soldiers. The al-Shabaab member then departed the village and the strike was conducted in a remote area where the effects were confirmed to be limited to the individual. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action."</p>	<p>EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020</p>	<p>https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020</p>	"unsubstantiated"
#28	<p>"May 12, 2020, (Unsubstantiated) USAFRICOM received one allegation from an online media source claiming an unspecified number of civilians were killed as a result of a suspected U.S. airstrike in the vicinity of Araboow, Somalia, on May 11, 2020. After review, the allegation was assessed to be unsubstantiated because no U.S. military strike took place on the alleged date or at the alleged location."</p>	<p>EXHIBIT 2: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd</p>	<p>https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2020</p>	"unsubstantiated"

		quarter, 2020		
#29	"Feb. 18, 2020, (Substantiated) USAFRICOM received three reports from an online media source and social media account claiming two (2) civilians were injured as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on Feb. 17, 2020. After a thorough inquiry into the facts and circumstances following the Feb. 17, 2020 airstrike, USAFRICOM assessed the airstrike resulted in the injury of two (2) civilians."	EXHIBIT 3: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 4th quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-4th-quarter-2020	"substantiated"
#30	"May 18, 2020 (Unsubstantiated) USAFRICOM received five (5) reports from an online media source and social media accounts claiming either four (4) or up to six (6) civilians were injured as a result of a U.S. airstrike in the vicinity of Qunyo Barrow, Somalia, on May 17, 2020. After review, the reports were assessed as unsubstantiated. Contrary to the reports stating the airstrike targeted a mother and her children in their home, the airstrike conducted on May 17, 2020 targeted two al-Shabaab members in a known al-Shabaab compound utilized by the group to plan attacks in Mogadishu. No civilians were observed in the area or interacting with the al-Shabaab compound. U.S. intelligence confirmed that the only casualties of the strike were al-Shabaab members, and it is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action. Additionally, the initial source of the reports is known to be sympathetic to al-Shabaab. Further, forensic analysis indicates that at least some of the photographs had been deliberately manipulated. "	EXHIBIT 3: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 4th quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-4th-quarter-2020	"unsubstantiated"
#31	"July 29, 2020 (Unsubstantiated) USAFRICOM received three (3) reports from online media sources and a social media account claiming up to three (3) civilians were killed as a result of a U.S. airstrike in the vicinity of Jilib, Somalia, on July 29, 2020. After review, the reports were assessed as unsubstantiated. Contrary to the reports stating the airstrike targeted a residence killing three children, the airstrike was executed on July 29, 2020 against two al-Shabaab members on a known al-Shabaab compound used as a senior al-Shabaab leadership meeting place. U.S. intelligence confirmed that the compound was only accessible to al-Shabaab members, and the casualties of the strike were al-Shabaab members. It is assessed with a high degree of confidence that no civilian casualties occurred as a result of U.S. military action. One source also used one photo that was previously published in 2015."	EXHIBIT 3: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 4th quarter, 2020	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-4th-quarter-2020	"unsubstantiated"

#32	<p>"(Unsubstantiated) Between March 10, 2020, and April 1, 2020, U.S. Africa Command received multiple reports from various sources stating between four (4) and ten (10) civilians were killed as a result of a U.S. airstrike in the vicinity of Janaale, Somalia that occurred on March 10, 2020. On May 8, 2020, U.S. Africa Command closed this report as unsubstantiated. Subsequently, U.S. Africa Command received a new report of this incident from a NGO on May 15, 2020, claiming the airstrike killed six (6) civilians who were in a taxi, traveling in the direction of Mogadishu. On June 17, 2020, U.S. Africa Command received another report of this incident from an online media source, with content mirroring the NGO report from May 15, 2020. On July 28 and 30, 2020, U.S. Africa Command received six (6) additional reports of this incident via the U.S. Africa Command Civilian Casualty reporting website (https://www.africom.mil/civilian-casualty-reporting), also claiming the airstrike killed six (6) civilians. As a result of the new reports made between May 15 and July 30, 2020, U.S. Africa Command reopened its assessment. The assessment concluded that the U.S. airstrike that occurred March 10, 2020 in the vicinity of Janaale, Somalia targeted a vehicle containing five (5) al-Shabaab members after the vehicle departed an al-Shabaab compound. The airstrike occurred in open terrain and the effects of the strike were limited to the vehicle. Contrary to some reports, the vehicle was not traveling in the direction of Mogadishu. The source of the initial March 10, 2020 report is a known al-Shabaab propaganda outlet and their report contained a recirculated photograph taken in 2019, before the airstrike occurred. This photograph appears to have been recycled from a previous report of civilian casualties. Forensic analysis indicated that other photographs utilized by the al-Shabaab propaganda outlet were deliberately manipulated. U.S. Africa Command's first and second assessments of these reports of civilian casualties determined that the reports of civilian casualties occurred as a result of the U.S. airstrike on March 10, 2020 are unsubstantiated."</p>	<p>EXHIBIT 4: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 1st Quarter, 2021</p>	<p>https://www.africom.mil/us-af-rica-command-civilian-casualty-assessment-quarterly-report-1st-quarter-2021</p>	<p>"unsubstantiated"</p>
#33	<p>"(Unsubstantiated) On Sept. 21, 2020, U.S. Africa Command received one (1) report from an online media source stating eight (8) civilians were killed as a result of a joint Somali and U.S. military operation in the vicinity of Tortorow, Somalia on Sept. 21, 2020. After review, the report was assessed as unsubstantiated. U.S. forces were not directly involved in this operation and no U.S. military strike took place at the time and place reported. Partner force reporting and sensitive intelligence confirmed that no civilians were killed in the operation. The source of the report is a known al-Shabaab propaganda outlet that falsely stated that the partner force destroyed a mosque during the operation. U.S. Africa Command performed a careful assessment of the area after the operation and confirmed that a mosque was not destroyed in the operation."</p>	<p>EXHIBIT 4: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 1st Quarter, 2021</p>	<p>https://www.africom.mil/us-af-rica-command-civilian-casualty-assessment-quarterly-report-1st-quarter-2021</p>	<p>"unsubstantiated"</p>

#34	"(Unsubstantiated) Jan. 19, 2021, U.S. Africa Command received one (1) report from an online media source claiming one (1) civilian was killed as a result of a U.S. airstrike in the vicinity of Jamaame, Somalia, on Jan. 19, 2021. After review, the report was assessed as unsubstantiated. The airstrike on Jan. 19, 2021 targeted an al-Shabaab commander who planned and coordinated attacks against partner forces in the region. Multiple U.S. intelligence reports, compiled over the course of several years, confirmed the individual was an al-Shabaab commander. The airstrike occurred in an open area where the effects of the strike were limited to the targeted individual and the vehicle he was driving."	EXHIBIT 5: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd Quarter, 2021	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2021	"unsubstantiated"
#35	"(Unsubstantiated) Feb. 28, 2020, U.S. Africa Command received three (3) reports from online media sources claiming two (2) civilians were injured as a result of a U.S. airstrike in the vicinity of Qunyo Barrow, Somalia, on Feb. 28, 2020. After review, the report was assessed as unsubstantiated. The airstrike on Feb. 28, 2020 targeted two (2) al-Shabaab members. Extensive review and analysis of post-strike intelligence confirmed the targeted al-Shabaab members were the only casualties."	EXHIBIT 5: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd Quarter, 2021	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-2nd-quarter-2021	"unsubstantiated"
#36	"(Substantiated) Jan. 2, 2021, U.S. Africa Command received one (1) report from an online media source claiming three (3) civilians were injured as a result of a U.S. airstrike in the vicinity of Qunyo Barrow, Somalia, on Jan. 1, 2021. After a thorough assessment of the information and circumstances following the Jan. 1, 2021, airstrike, U.S. Africa Command assessed that more likely than not, the airstrike inadvertently injured three (3) civilians."	EXHIBIT 5: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd Quarter, 2021	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2021	"substantiated"
#37	"(Unsubstantiated) May 31, 2021, U.S. Africa Command received one (1) report via the U.S. Africa Command civilian casualty reporting website claiming five (5) civilians were killed as a result of a joint Somali-U.S. military operation, occurring on May 9, 2018, in the vicinity of Moalinka, Somalia. This is a duplicate of civilian casualty reports U.S. Africa Command received in May 2018 in which an assessment was opened and determined that U.S. military action did not result in any casualties. Additionally, multiple sources of post-operation intelligence confirmed that any partner force action resulted in casualties only to al-Shabaab members, including one al-Shabaab commander."	EXHIBIT 5: U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd Quarter, 2021	https://www.africom.mil/what-we-do/airstrikes/civilian-casualty-report/us-africa-command-civilian-casualty-assessment-quarterly-report-3rd-quarter-2021	"unsubstantiated"

As the FOIA requires, please release all reasonably segregable, nonexempt portions of responsive records. If you choose to deny any portion of my request, please provide a written explanation for the denial, including a reference to the specific statutory exemption(s) authorizing the withholding of all or part of the record, as well as an explanation of why USCENTCOM "reasonably foresees that disclosure would harm an interest" protected by that exemption or why "disclosure is prohibited by law[.]'" 5 U.S.C. § 552 (a)(8).

Please provide all responsive records in electronic format.

II. FEE CATEGORIZATION AND REQUEST FOR FEE WAIVER

In order to help you determine my status to assess fees, you should know that I am a reporter and this request is made in connection with my ongoing journalistic work, not for commercial use.

I am an investigative reporter with the New York Times and New York Times Magazine, and have been recognized with more than a dozen awards for my reporting, including the 2022 Pulitzer Prize for International Reporting, the 2022 National Magazine Award for Public Interest Journalism; the 2018 National Magazine Award for Reporting; the 2022 Polk Award for Military Reporting; the 218 Overseas Press Club's Ed Cunningham Award for Magazine Reporting, the 2022 Roy Rowan Award for Investigative Reporting; the 2018 Hillman Prize for Magazine Journalism; the 2022 John Seigenthaler Courage In Journalism Award; the 2016 Deadline Club Award for Independent Digital Reporting; and other honors.

Accordingly, as a representative of the news media, I am only required to pay for document duplication charges after the first 100 pages.

In addition, I am requesting a waiver of all fees associated with this request per 5 U.S.C. § 552(a)(4)(A)(iii) and 32 C.F.R. § 286.12. As noted above I am a reporter seeking these records for dissemination to the general public through my reporting, not for a commercial use. *See* OMB Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 Fed. Reg. 10019 (“a request for records supporting the news dissemination of the requester shall not be considered to be a request that is for the commercial use.”). Additionally, disclosure of this information is likely to contribute significantly to public understanding of the operations or activities of the federal government, specifically how AFRICOM has assessed or investigated civilian casualty allegations from U.S. airstrikes in Somalia, particularly the validity of USAFRICOM's claims that it “uses all reasonably available tools to assess civilian casualty reports, including intelligence, open source reporting, and inputs from the public and the NGO community.”

If my request for a fee waiver is denied, I am willing to pay up to a maximum of \$100 for duplication fees associated with this request. If you estimate fees will exceed this limit, please inform me before proceeding.

III. REQUEST FOR EXPEDITED PROCESSING

Per 5 U.S.C. § 552(A)(6)(E)(v) and 32 C.F.R. § 286.8(e)(3), I certify that this statement of compelling need for expedited processing is true and correct to the best of my knowledge and belief.

There is a compelling need for expedited processing of this request, for the following three reasons:

1. **I am a person “primarily engaged in disseminating information,” and there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).** Specifically, in the face of widespread and well-documented public interest in civilian casualty allegations and how they are assessed by AFRICOM versus external entities, as well as criticisms of a lack of transparency, there is an urgency to release these records. USAFRICOM has not previously released such records, despite other Combatant Commands releasing thousands of pages of civilian casualty assessment records. Additionally, by its own admission in May 2022, the Department of Defense acknowledged its combatant commands have not been sufficiently transparent about civilian casualties. Additionally, disclosure of this information is likely to contribute significantly to public understanding of the operations or activities of the federal government, specifically how AFRICOM has assessed or investigated civilian casualty allegations from U.S.

combat operations, particularly the validity of USAFRICOM's claims that it "uses all reasonably available tools to assess civilian casualty reports, including intelligence, open source reporting, and inputs from the public and the NGO community." Please see below for more detailed information and sourcing demonstrating this compelling need.

2. **A "failure to obtain requested records on an expedited basis . . . could reasonably be expected to pose an imminent threat to the life or physical safety of an individual[.]" 5 U.S.C. § 552(a)(6)(E)(v)(I).** Specifically, the civilians who were injured or the family members of civilians killed in the five "substantiated" civilian casualty incidents for which I am requesting records, who face the very real possibility of reprisal violence, as detailed below, and the other civilians whose stories may match allegations that were found to be "unsubstantiated," but are unable to clear their names without sufficient detail about how their allegations were assessed, who also face the real possibility of reprisal violence.
3. "[F]ailure to obtain the requested information on an expedited basis could reasonably be expected to harm substantial humanitarian interests." 32 C.F.R. 286.8(e)(1)(ii)(B). For the reasons described below in Section III(1), expedited processing is also warranted under this standard.

First, I am a person "primarily engaged in disseminating information," and there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E)(v)(II).

While other Combatant Commands have made hundreds of civilian casualty assessment records public—including credibility assessments and AR 15-6 investigations—AFRICOM has not done so for any of its substantiated or unsubstantiated assessments or investigations, nor has it made even a handful of such records available at USAFRICOM's FOIA Reading Room (Please see FOIA Reading Room Links here, EXHIBIT 7: <https://www.africom.mil/foia-freedom-of-information-act-requests>).

Instead, the records it has made public are primarily quarterly releases. This is despite the fact that there is extensive public interest in the requested records, as well as long standing concerns about who is being targeted, as articulated by Congressional officials, journalists, civil society organizations and members of the American public, as cited in sources below.

"Alone, a quarterly report is unlikely to resolve longstanding concerns held by human rights groups with AFRICOM's investigations of alleged civilian casualties, nor even longer-standing concerns with the U.S. military's expansive view of who can be targeted," wrote Daniel Mahanty, Director of the U.S. program at the Center for Civilians in Conflict (CIVIC) (See: EXHIBIT 8: <https://www.justsecurity.org/69785/great-expectations-africom-new-quarterly-report-on-civilian-casualties/>).

In its quarterly releases, USAFRICOM has repeatedly stated its assessments may differ from external reports, but that it "uses all reasonably available tools to assess civilian casualty reports, including intelligence, open source reporting, and inputs from the public and the NGO community." Yet the records that would demonstrate the veracity of this claim have never been made public.

Many of the requested records relate to incidents that have been the subject of widespread concern from groups that have investigated these incidents in Somalia and interviewed eyewitnesses and survivors, whose findings often differ from USAFRICOM's. These records are required in order to assess such discrepancies. For only a small sample of such discrepancies and public interest, please see the links below.

— EXHIBIT 9: New York Times Report Says U.S. Airstrikes Have Killed 14 Civilians in Somalia
<https://www.nytimes.com/2019/03/19/world/africa/amnesty-international-pentagon-somalia.html>

— EXHIBIT 10: New York Times Human Rights Group Says Two U.S. Strikes Killed Somali Civilians <https://www.nytimes.com/2020/03/31/world/africa/somalia-civilian-casualties.html>

— EXHIBIT 11: Public Radio International’s The World: Did a US bomb kill an innocent Somali man? His family says yes

<https://theworld.org/stories/2019-05-17/did-us-bomb-kill-innocent-somali-man-his-family-says-yes>

— EXHIBIT 12: Reuters Air strike kills four people in Somalia: relatives

<https://www.reuters.com/article/us-somalia-violence/air-strike-kills-four-people-in-somalia-relatives-idUSKCN1R01S5>

— EXHIBIT 13: Human Rights Watch Somalia: Inadequate US Airstrike Investigations

<https://www.hrw.org/news/2020/06/16/somalia-inadequate-us-airstrike-investigations>

—EXHIBIT 14: Foreign Policy Magazine Does America Know Who Its Airstrike Victims Are?

<https://foreignpolicy.com/2019/05/07/does-america-know-who-its-airstrike-victims-are-somalia-africa/>

Furthermore, by its own admission on May 10, 2022, the Department of Defense acknowledged its combatant commands have not been sufficiently transparent about civilian casualties, and that **reporting on civilian casualties based on such records as those requested by this requestor and New York Times colleagues “made a real difference on a real and very challenging issue.”** (See EXHIBIT 15: <https://www.defense.gov/News/Transcripts/Transcript/Article/3027227/pentagon-press-secretary-john-f-kirby-holds-a-press-briefing/>.)

There is substantial value to disclosing the requested records to me in the pursuit of journalism. Disclosure of this information is likely to contribute significantly to public understanding of the operations or activities of the federal government.

The second and third reasons demonstrating a compelling need for expedited processing of this request are that “failure to obtain requested records on an expedited basis . . . could reasonably be expected to pose an imminent threat to the life or physical safety of an individual[]” 5 U.S.C. § 552(a)(6)(E)(v)(I) as well as “could reasonably be expected to harm substantial humanitarian interests.” 32 C.F.R. 286.8(e)(1)(ii)(B). F

Specifically, the civilians who were injured or the family members of civilians killed in the five “substantiated” civilian casualty incidents for which I am requesting records, face the very real possibility of reprisal violence, as detailed below. Additionally, other civilians whose stories may match allegations that were found to be “unsubstantiated,” but are unable to clear their names without sufficient detail about how their allegations were assessed, who also face the real possibility of reprisal violence.

Repeatedly, American organizations that do ground research in areas under AFRICOM’s command have found that Somalis whose property has been hit in an airstrike can be targeted for reprisals.

“Our research has found that when a Somali’s farm or property is the scene of an air strike, that person is seen as suspicious and can be targeted for reprisals,” weapons investigator Brian Castner, who worked on Amnesty International’s Crisis Team to report on civilian casualties from U.S. air strikes in Somalia, told In These Times. (See EXHIBIT 16:

<https://inthesetimes.com/features/us-air-strikes-somalia-al-shabab-ISIS-pentagon-civilian-casualties.html>.)

Without expedited processing of this request, so that I may publish news stories based on them, these individuals may reasonably face imminent threats to their safety and life, which could also reasonably be expected to harm substantial humanitarian interests.

III. ATTACHED EXHIBITS

To be as helpful as I can to aid you in accessing the materials and sources I have cited above, I have compiled PDFs of each exhibit and attached them in a PDF file sent by email to africom.stuttgart.accc.mbx.foia@mail.mil. For your reference, I am including a table of them below.

Exhibit Number	Source	Document Title
EXHIBIT 1	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd quarter, 2020
EXHIBIT 2	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd quarter, 2020
EXHIBIT 3	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 4th quarter, 2020
EXHIBIT 4	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 1st Quarter, 2021
EXHIBIT 5	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 2nd Quarter, 2021
EXHIBIT 6	USAFRICOM	U.S. Africa Command Civilian Casualty Assessment Quarterly Report; 3rd Quarter, 2021
EXHIBIT 7	USAFRICOM	FOIA Reading Room
EXHIBIT 8	Just Security	Great Expectations: AFRICOM's New Quarterly Report on Civilian Casualties
EXHIBIT 9	New York Times	Report Says U.S. Airstrikes Have Killed 14 Civilians in Somalia
EXHIBIT 10	New York Times	Human Rights Group Says Two U.S. Strikes Killed Somali Civilians
EXHIBIT 11	Public Radio International's The World:	Did a US bomb kill an innocent Somali man? His family says yes
EXHIBIT 12	Reuters	Air strike kills four people in Somalia: relatives
EXHIBIT 13	Human Rights Watch	Somalia: Inadequate US Airstrike Investigations
EXHIBIT 14	Foreign Policy Magazine	Does America Know Who Its Airstrike Victims Are?
EXHIBIT 15	Defense Department	Pentagon Press Secretary John F. Kirby Holds a Press Briefing
EXHIBIT 16	In These Times	The "Collateral Damage" of the U.S.'s Unofficial War in Somalia

IV. CONCLUSION

Please provide electronic copies of any responsive records to me at my email address, Azmat.Khan@nytimes.com, including any links for download.

If you have any questions regarding this request, please contact me by email or by phone at 347 - 852 - 2585.

I look forward to receiving your determination with respect to my request for expedited processing **within 10 calendar days**, as required by FOIA. Thank you in advance for your assistance.

Sincerely,



Azmat Khan
Investigative Reporter
The New York Times